

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Petitioner was approved for Social Security Disability benefits on or about April 2006. Petitioner first received \$944 per month. Her current amount is \$975 per month.

3. Upon petitioner's receipt of Social Security disability benefits, the Department assessed petitioner a premium of \$50 per month.¹ Petitioner was first billed in May 2006 for June 2006 VHAP coverage.

4. Petitioner is finding it a hardship to pay her VHAP premium.

ORDER

The Department's motion to dismiss is granted.

REASONS

The Board promulgated Fair Hearing Rules pursuant to 3 V.S.A. § 3091. Requests for fair hearings are governed by Fair Hearing Rule No. 1 including when a fair hearing should be requested. The relevant portion of Fair Hearing Rule No. 1 states:

Appeals from decisions by the Department . . . shall not be considered by the board unless the appellant has either mailed a request for fair hearing or clearly indicated that he or she wishes to present his or her case to a higher authority within 90 days from the date when his or her grievance arose. . . All other appeals must be made within 30 days from the date the grievance arose, unless otherwise provided by statute.

Petitioner was first assessed the \$50 monthly premium in May 2006 approximately one year ago. Petitioner's appeal to

¹ The premium amount is consistent with the pertinent regulation, W.A.M. § 4001.91.

challenge the premium amount is untimely. The Department's motion to dismiss is granted.

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